

## PROPOSED RULES

### Initiated Before January 1, 1995

Unless exempted by A.R.S. § 41-1055, each agency shall begin the rulemaking process by first filing a Notice of Proposed Rulemaking with the Governor's Regulatory Review Council as specified by A.R.S. § 41-1052. The agency shall also submit the text of the rules being proposed, an estimate of the economic impact, and a cost/benefit analysis of the proposed action. Following the Council's review and approval of the rule, the Council shall forward the rule to the Office of the Secretary of State for filing and publication in the *Arizona Administrative Register*.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022 and A.A.C. R1-2-202.

#### TITLE 4. COMMERCE, PROFESSIONS AND PROFESSIONS

##### CH. 4. BANKING DEPARTMENT

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. § 6-537, the following actions are proposed:

###### Repeal

- R4-4-402. Special reserve for delinquent loans —  
A.R.S. § 6-521(C)

###### Amend

- R4-4-401. ~~Blanket Fidelity Bond Coverage —~~  
~~A.R.S. §§ 6-513(B)(3), 6-513(B)(15),~~  
~~6-516 6-537~~

###### Summary

The Department is proposing to modify the rules listed above which apply to state-chartered credit unions. Additional specificity in the meaning of "fidelity bond coverage" is required as that term is used in A.R.S. § 6-537.

###### Governor's Regulatory Review Council

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

###### Opportunity for Public Comment

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 6, 1995.

Contact: Mr. Fred Witte, Banking Department, 2910 North 44th Street, Suite 310, Phoenix, Arizona 85018, (602) 255-4421, ext. 122.

The Department has not scheduled oral proceedings but will do so if five or more persons file written requests with the agency contact person within 30 days after this Notice is published in the *Administrative Register*.

Dated: November 14, 1994 /s/ Richard C. Houseworth,  
Superintendent of Banks

Filed in the Office of the  
Secretary of State 1/13/95

#### TITLE 4. COMMERCE, PROFESSIONS AND PROFESSIONS

##### CH. 25. BOARD OF PODIATRY EXAMINERS

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 32-804 and 32-871(A) - (E), the following actions are proposed:

###### Repeal

- R4-25-104. Use of oxygen-nitrous oxide  
(O<sup>2</sup>-N<sup>2</sup>-O) by podiatrists  
R4-25-201. Examination of applicants  
R4-25-301. Definitions

###### Adopt

- R4-25-201. Examination of Applicants  
Article 6. Dispensing of Drugs and Devices  
R4-25-602. Registration and Inventory Require-  
ments  
R4-25-603. Prescribing and Dispensing Require-  
ments  
R4-25-604. Recordkeeping and Reporting Short-  
ages  
R4-25-605. Renewals, Inspections, Penalties, and  
Fees

###### Amend

- R4-25-101. Definitions  
R4-25-102. ~~Graduate~~ Postdoctoral Training Pro-  
gram Approval  
Fees  
R4-25-103. Application for Examination  
R4-25-202. Conducting Examinations  
R4-25-203. Issuance of a Provisional License  
R4-25-302. Supervision of a Provisional License  
R4-25-303. Issuance of a Regular Podiatry License  
R4-25-401. Rehearings  
R4-25-502. Approval of Courses  
R4-25-504. Credit Hours  
R4-25-505. Waiver of Continuing Education Re-  
quirement

###### Summary

The Board is proposing the above rules as follows:

- R4-25-101 is being amended to correct language format, to delete a clause that does not belong in a definition, to repeal a definition, and to include new language in a definition. There are also several new definitions.  
R4-25-102 is being amended to correct language format and to change "Graduate" to "Postdoctoral".  
R4-25-103 is being amended to increase the ceiling fee for an application to take the oral examination from \$200 to \$250. Language format is also changed

Proposed Rules

and fees are established for dispensing drugs and devices.

- R4-25-104 is repealed since this requirement is currently included in the curricula of podiatric colleges around the country.
- R4-25-201 is amended to repeal subsections (A) through (F) and to add new language requiring applicants take an oral and written examination.
- R4-25-202 and R4-25-203 are being amended to correct the language format.
- R4-25-301 is being repealed.
- R4-25-302 is amended to correct the language format.
- R4-25-303 is amended to include language requiring that a provisional licensee provide the Board with specific information on the facility in which patients are located and an evaluation of the necessity for procedures and treatments being performed.
- R4-25-304 is being amended to correct language format and to clarify requirements for issuing a regular podiatry license.
- R4-25-401 and R4-25-505 are being amended to correct language format.
- R4-25-502 is being amended to repeal subsections (A) through (D) and to include new language that will provide guidelines the Board will follow in the process of approving courses, sponsors, and the number of credit hours.
- R4-25-504 is being amended to include new language that will no longer allow for attendance at committee meetings or non-educational hospital meetings to be substituted for continuing education credit.
- R4-25-602 is being adopted to require a podiatrist who dispenses to complete a dispensing application; to require the Board's approval of an applicant's application; to require the issuance of a certificate to dispense; and to require the registration of the certificate with the Board. This rule also establishes requirements for the labeling, storage, and packaging of drugs and devices that are consistent with pharmacy.
- R4-25-603 is being adopted to require podiatrists to record the quantity or volume of drugs dispensed and to inform patients of the name of the drug, directions for its use, precautions, and storage requirements.
- R4-25-604 is being adopted to establish recordkeeping requirements for podiatrists and to require that podiatrists notify the appropriate law enforcement agency and federal Drug Enforcement Administration upon any shortage of a drug or controlled substance maintained for dispensing.
- R4-25-605 is being adopted to require an annual renewal and a scheduled deadline for submission. The Board will have authority to conduct inspections of dispensing practices to assure compliance with rules and statutes and will collect fees from practitioners that will provide the revenue necessary for the Board to carry out its mandate. Penalty fees will be assessed to practitioners who dispense drugs and devices without being registered with the Board to do so.

Governor's Regulatory Review Council

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

February 3, 1995

Opportunity for Public Comment

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 6, 1995.

Contact: Ms. Linda Wells, Executive Director, Board of Podiatry Examiners, 1645 West Jefferson, Room 410, Phoenix, Arizona 85007, (602) 542-3095.

The Board has scheduled oral proceedings to be held at the Occupational Licensing Building, Room 400, 1645 West Jefferson, Phoenix, Arizona at the hour of 10:00 a.m. on the 8th day of March, 1995.

Dated: November 30, 1994 /s/ Linda Wells,  
Executive Director  
Filed in the Office of the  
Secretary of State 1/13/95

TITLE 4. COMMERCE, PROFESSIONS AND PROFESSIONS

CH. 34. DEPARTMENT OF BUILDING AND FIRE SAFETY

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 41-2144(15) and 41-2198, the following actions are proposed:

Adopt

- Article 12. Hearings: Rules of Practice and Procedures
- R4-34-1201. The Petition
- R4-34-1202. Notice of Hearing
- R4-34-1203. Appearance and Practice Before Department
- R4-34-1204. Prehearing Conference
- R4-34-1205. Hearings
- R4-34-1206. Evidence
- R4-34-1207. Consolidation
- R4-34-1208. Continuance

Amend

- R4-34-202. Manufactured Home or Mobile Home Installation Standards and Codes

Summary

The Board is proposing to amend R4-34-202 to establish the proper code reference for treatment of wood and to amend the current installation standards for installation of manufactured homes pertaining to the type of footing materials allowed. The changes will clarify the reference and allow for alternative material for use as footings in the installation of manufactured homes.

The Board is proposing to adopt Article 12 to establish a hearing procedure for the Mobile Home Parks Residential Landlord and Tenant Act.

Governor's Regulatory Review Council

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

Opportunity for Public Comment

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 6, 1995.

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Contact: Mr. George E. Kiefer, Assistant Director, Office of Manufactured Housing, and Shamway Lo, Assistant Director, Office of Administration, Department of Building and Fire Safety, 1540 West Van Buren, Phoenix, Arizona 85007, (602) 255-4072.

The Department has not scheduled oral proceedings but will do so if five or more persons file written requests with the agency contact person within 30 days after this Notice is published in the *Administrative Register*.

Dated: November 14, 1994 /s/ N. Eric Borg,  
Director  
Filed in the Office of the  
Secretary of State 1/13/95

**TITLE 4. COMMERCE, PROFESSIONS AND PROFESSIONS**

**CH. 47. DEPARTMENT OF COMMERCE**

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. § 41-1504(B)(4), the following action is proposed:

**Adopt**

- Article 1, Work Force Recruitment and Job Training Program
- R4-47-101. Definitions
- R4-47-102. Application
- R4-47-103. Determination of Eligibility of a Project
- R4-47-104. Eligibility Criteria
- R4-47-105. Multi-year Training Projects
- R4-47-106. Exception to 25% Matching Fund Requirement
- R4-47-107. Training Plan
- R4-47-108. Selection Criteria
- R4-47-109. Allowable and Excluded Project Costs
- R4-47-110. Director's Decision
- R4-47-111. Request for Review of Director's Decision
- R4-47-112. Response to Request for Review of Director's Decision
- R4-47-113. Director's Final Determination
- R4-47-114. Hearing
- R4-47-115. Notice of Director's Final Determination
- R4-47-116. Statement of Understanding
- R4-47-117. Monitoring
- R4-47-118. Repayment
- R4-47-119. Final Evaluation Form
- R4-47-120. Final Evaluation Criteria

**Summary**

The Department is proposing the above rules on the Work Force Recruitment and Job Training Program enacted by the Legislature. The program provides grants for recruitment and customized short-term training for qualified businesses. The intended effect of these rules is to provide the public a clear explanation of the program and its requirements. The rules clarify applicant eligibility and project eligibility. In addition, the rules explain procedures for the application process, eligible project evaluation, decision-making process for program assistance, and a process for reviewing an unsatisfactory program assistance decision. The rules also include documentation requirements and monitoring respon-

sibilities and provide specific guidance and criteria for the program.

**Governor's Regulatory Review Council**

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

**Opportunity for Public Comment**

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 6, 1995.

Contact: Ms. Linda Schulz, Department of Commerce, 3800 North Central, Suite 1500, Phoenix, Arizona 85012, (602) 280-1360.

The Department has not scheduled oral proceedings but will do so if five or more persons file written requests with the agency contact person within 30 days after this Notice is published in the *Administrative Register*.

Dated: November 10, 1994 /s/ Linda Schulz,  
Director, Financial  
Services and Housing  
Development  
Filed in the Office of the  
Secretary of State 1/13/95

**TITLE 9. HEALTH SERVICES**

**CH. 14. DEPARTMENT OF HEALTH SERVICES LABORATORIES**

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 36-136, 36-692, and 36-694, the following actions are proposed:

**Adopt**

- R9-14-505. Collection of Screening Fees

**Amend**

- Article 5. Tests for Metabolic Disorders and Hemoglobinopathies
- R9-14-501. Definitions
- R9-14-502. Tests to be Performed Testing of Newborns
- R9-14-503. Persons and Institutions Responsible for Tests
- R9-14-504. Approval of Parent or Guardian Education

**Summary**

The Department is proposing the above rules to define standards, procedures, techniques, methods for providing appropriate education to parents and health care providers, fee collection, and criteria for conducting and implementing a centrally coordinated newborn screening program for the state of Arizona in order to insure that infants born with metabolic and/or hemoglobin disorders will be identified as early as possible and referred for appropriate diagnostic testing, treatment, and follow-up.

**Governor's Regulatory Review Council**

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

**Proposed Rules**

**Opportunity for Public Comment**

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 10, 1995.

Contact: Lisa Hamel, Community and Family Health Services, Department of Health Services, 1740 West Adams, Phoenix, Arizona 85007, (602) 542-1875.

The Department has scheduled oral proceedings as follows:

Date: March 7, 1995  
Time: 10:00 a.m.  
Location: Arizona State Building  
Second Floor, Suite 222, North Building  
400 West Congress  
Tucson

Date: March 13, 1995  
Time: 10:00 a.m.  
Arizona Department of Health Services  
1740 West Adams, Room 201  
Phoenix

Date: March 27, 1995  
Time: 10:00 a.m.  
Coconino County Health Department  
Thomas Auditorium  
2500 North Fort Valley Road  
Flagstaff

Dated: November 14, 1994 /s/ Jack Dillenberg, D.D.S.,  
M.P.H., Director  
Filed in the Office of the  
Secretary of State 1/13/95

**TITLE 12. NATURAL RESOURCES**

**CH. 1. RADIATION REGULATORY AGENCY**

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 30-654(B) (general), and 30-656, 30-672, 30-683, 30-686, 30-687, 30-688, 30-689, 32-2841, 32-2842, and 32-2843 (specific), the following actions are proposed:

**Repeal**

- App. A Application for Registration of Radiation Machine (Ionizing)
- R12-1-1201. Notice of Violations, Response
- R12-1-1202. Calculation of Civil Penalty, Payment
- R12-1-1203. Escalated Enforcement
- R12-1-1205. Procedure for Hearings
- Article 14. Rules for the Control of Nonionizing Radiation
- R12-1-1401. Matter incorporated by reference
- R12-1-1424. Radiation protection surveys
- R12-1-1428. Labeling requirements for lasers
- R12-1-1430. Safety interlocks
- R12-1-1431. Viewing ports and optics
- R12-1-1432. Visual or audible warning requirements
- R12-1-1438. Laser optical fiber communication system
- R12-1-1442. Intrabeam or extended-source ocular exposures
- App. B. Principal Wavelengths of Common Lasers

**Adopt**

- R12-1-208. Mammographic Certification Requirements
- R12-1-209. Licensing Requirements for Nonionizing Radiation-producing Machines
- R12-1-614. Mammographic Systems
- R12-1-615. Radiologic Physicist Training
- App. A. Information to be Submitted by Persons Proposing to Conduct Healing Arts Screening Other than Mammography
- App. B. Procedures and Tests for Mammography Systems
- Article 12. Administrative Provisions
- R12-1-1201. Criteria for Determining Timeliness
- R12-1-1202. Administrative Hearing Procedures
- R12-1-1203. Procedures for Rulemaking Public Hearings
- R12-1-1204. Initiation of Hearings
- R12-1-1205. Intervention
- R12-1-1206. Decisions of the Hearing Officer and the Board
- R12-1-1207. Rehearings and Reviews
- R12-1-1208. Judicial Review
- R12-1-1209. Notice of Violation
- R12-1-1210. Response to Notice of Violation
- R12-1-1211. Orders
- R12-1-1212. Request for Hearing in Response to an Initial Order
- R12-1-1213. Severity Levels of Violations
- R12-1-1214. Mitigating Factors
- R12-1-1215. License and Registration Divisions
- R12-1-1216. Base Schedule of Civil Penalties
- R12-1-1217. Augmentation of Civil Penalties
- R12-1-1218. Payment of Civil Penalties
- R12-1-1219. Additional Sanctions
- R12-1-1220. Escalated Enforcement
- R12-1-1221. Consent Agreements, Orders
- R12-1-1222. Enforcement Conferences

**Amend**

- Article 2. Registration and Certification of Ionizing Radiation Machines Machine Systems, and Registration of Services, and Licensing of Nonionizing Radiation Machine Facilities
- R12-1-201. Exemptions
- R12-1-202. Registration requirement, application for registration of radiation machines, modification Application Requirements for Registration or Certification of Radiation Machines; Notification
- R12-1-203. Application for registration of servicing and installation
- R12-1-204. Issuance of Notice of Registration
- R12-1-205. Expiration of Notice of Registration or Certification
- R12-1-207. Out-of-state Radiation Machines
- R12-1-602. Definitions
- R12-1-603. General Safety Provisions
- R12-1-604. General Procedural Requirements
- R12-1-605. General Equipment Requirements
- R12-1-606. Fluoroscopic installations Systems
- R12-1-607. Diagnostic Radiographic Installations Systems Other than Fluoroscopic, or Dental Intraoral or Veterinarian Systems
- R12-1-608. Special Requirements for Mobile Diagnostic Radiographic Equipment, Except Dental Intraoral

**Proposed Rules**

- R12-1-609. Special Requirements for Chest Photofluorographic Installations Systems
- R12-1-610. Dental Radiographic Installations Systems
- R12-1-611. Therapeutic X-ray Systems of Less than One MeV
- R12-1-612. X-ray and Electron Therapy Systems with Energies of One MeV and Above
- R12-1-613. Special Requirements for Veterinary Medicine Radiographic Installations Systems
- R12-1-1004. Notifications and Reports to Individuals
- R12-1-1307. Special License Fees
- R12-1-1401. Matter Incorporated by Reference
- R12-1-1402. Definitions
- R12-1-1403. General Safety Provisions and Exemptions
- R12-1-1404. Radio Frequency Equipment Requirements
- R12-1-1405. Radio Frequency Exposure Limits
- R12-2-1406. Radio Frequency Hazard Caution Signs, Symbols, Labeling, and Posting
- R12-1-1408. Reporting of Radio Frequency Radiation Incidents
- R12-1-1409. Medical Surveillance for Radio Frequency Occupational workers
- R12-1-1410. Radio Frequency Compliance Measurements Criteria
- R12-1-1411. Licensing of Tanning Facilities
- R12-1-1412. General Safety Requirements for the Operation of Tanning Facilities
- R12-1-1413. Tanning Equipment Standards
- R12-1-1414. Operation and Use of Tanning Equipment
- R12-1-1415. Warning Signs and Statements for Tanning Facilities
- R12-1-1421. Laser Safety Requirements, Surveys, and Records
- R12-1-1422. General Requirements for All Laser Facilities
- R12-1-1425. Laser Product Classification
- R12-1-1426. Maximum Permissible Exposure Limits to Laser and Collateral Radiations
- R12-1-1427. Requirements for Laser Caution Signs, Symbols, and Labels
- R12-1-1429. Posting of Laser Facilities
- R12-1-1433. Laser Controlled Areas
- R12-1-1435. Protective Eye Wear for Use in laser Facilities
- R12-1-1436. Reporting of Laser Incidents
- R12-1-1437. Additional Requirements for Special lasers and Laser Applications
- R12-1-1439. Medical Laser products or installations Applications
- R12-1-1440. Laser Light Shows
- R12-1-1441. Measurements and Calculations to Determine MPE Limits for Lasers
- R12-1-1443. Laser Compliance Measurement Instruments
- R12-1-1444. Laser Classification Measurements

**Summary**

The Agency is amending Article 1 to clarify the definition for temporary job site; Article 2 to address certification requirements for mammographic systems; Article 6 to include standards for mammographic equipment and mammographic facility operating procedures, to include minimum credentialing standards for physicists who service x-ray equipment,

and to correct a number of content errors; Article 10 to include current personnel radiation exposure reporting requirements necessitated by Nuclear Regulatory Commission-driven revisions to Article 4; Article 13 to include certification of persons making low-level radioactive waste shipments; Article 14 to repeal requirements that have no regulatory basis, to consolidate duplication, and to replace outdated safety standards. Article 14's changes are being made after a recently completed Five-year Review demonstrated a number of inconsistencies with industry standards.

Current Article 12 is being replaced with more comprehensive requirements addressing administrative matters as well as sanctions that are currently addressed. Additionally, rules addressing hearing on proposed rules and contested regulatory actions are proposed with five violation severity levels, replacing the current three levels. Alternate sanctions, such as consent agreements, are also proposed. The amended rules addressing sanctions will provide additional means for the Agency to meet its objectives of fairness and proportionality.

**Governor's Regulatory Review Council**

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

**Opportunity for Public Comment**

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 8, 1995.

Contact: Aubrey Godwin, Director, Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, Arizona 85040, (602) 255-4845.

The Agency has scheduled oral proceedings to be held at the Radiation Regulatory Agency, 4814 South 40th Street, Phoenix, Arizona at the hour of 1:00 p.m. on the 8th day of March, 1995.

Dated: October 26, 1994      /s/ Aubrey Godwin,  
Director  
Filed in the Office of the  
Secretary of State 1/13/95

**TITLE 18. ENVIRONMENTAL QUALITY  
CH. 2. DEPARTMENT OF ENVIRONMENTAL  
QUALITY  
AIR POLLUTION CONTROL**

The undersigned hereby gives notice that pursuant to the statutory authority of A.R.S. §§ 49-104, 49-422, 49-425, 49-426, 49-427, the following actions are proposed:

**Adopt**

- R18-2-306.01. Permits Containing Voluntarily Accepted Emission Limitations and Standards

**Amend**

- R18-2-101. Definitions
- R18-2-301. Definitions
- R18-2-304. Permit Application Processing Procedures
- R18-2-306. Permit Contents
- R18-2-309. Compliance Plan; Certification
- R18-2-501. Applicability
- App. 1 Standard Permit Application Form and Filing Instructions

**Proposed Rules**

**Summary**

The Department is proposing to amend the rules governing air quality permits to specify procedures for the creation of federally enforceable emission limitations that can be used by an Arizona air pollution source to avoid classification under federal regulations as a larger source than it will actually be. The rule would allow avoidance of federal requirements that are linked to the size of a source through the use of federally enforceable emission limitations in state permits. The Department intends to submit these rules as a revision to the State Implementation Plan (SIP) as soon as they are certified.

**Governor's Regulatory Review Council**

The proposed rules with the economic impact, cost/benefit analysis, and impact on small businesses were heard by the Governor's Regulatory Review Council on January 3, 1995.

**Opportunity for Public Comment**

Notice is given that any person may file written comments on the proposed rulemaking with the agency contact person on or before March 10, 1995.

Contact: Ms. Martha Seaman, Rule Development Section, Department of Environmental Quality, 3033 North Central, Phoenix, Arizona 85012, (602) 207-2222.

The Department has scheduled oral proceedings as follows:

Date: March 6, 1995  
Time: 1:30 p.m.  
Location: State Office Building, Room 222  
400 West Congress  
Tucson

Date: March 7, 1995  
Time: 1:30 p.m.  
Location: Department of Environmental Quality  
Public Meeting Room  
3033 North Central  
Phoenix

Dated: November 14, 1994 /s/ Edward Z. Fox,  
Director

Filed in the Office of the  
Secretary of State 1/13/95